

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hilary Hudson	Team: Team # 3	CCRB Case #: 200806253	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/04/2008 5:00 PM	Location of Incident: § 87(2)(b)	Precinct: 48	18 Mo. SOL 11/4/2009	EO SOL 11/4/2009	
Date/Time CV Reported Mon, 05/05/2008 10:32 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/05/2008 10:32 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Majer Saleh	31591	929110	048 PCT
2. POM Henry Bautista	14607	929693	048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Frank Lucia	03932	930605	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Majer Saleh	Force: PO Majer Saleh used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Majer Saleh	Abuse: PO Majer Saleh entered § 87(2)(b), in the Bronx.	§ 87(2)(b)
C.POM Henry Bautista	Abuse: PO Henry Bautista entered § 87(2)(b), in the Bronx.	§ 87(2)(b)
D.POM Majer Saleh	Abuse: PO Majer Saleh threatened to seize § 87(2)(b)s property.	§ 87(2)(b)
E.POM Henry Bautista	Abuse: PO Henry Bautista threatened to seize § 87(2)(b)s property.	§ 87(2)(b)

Synopsis

On May 5, 2008, at 10:32 AM, § 87(2)(b) called the CCRB to file her complaint. On May 4, 2008, at approximately 5:00 PM, § 87(2)(b) was having a birthday party for her son at their apartment located at § 87(2)(b), in the Bronx. Also at the party was § 87(2)(b) s § 87(2)(b)-year-old daughter § 87(2)(b) s mother, § 87(2)(b) and § 87(2)(b) s § 87(2)(b)-year-old son, § 87(2)(b) who § 87(2)(b) noted is mentally disabled. Their apartment door was open and they had music playing. There was a domestic dispute in an apartment on the § 87(2)(b) floor of the building and police officers responded. PO1 and PO2 entered the building and began walking up to the § 87(2)(b) floor. PO1 was identified by § 87(2)(b) as having shield number 31591, was described by § 87(2)(b) as a white male, 5'2" to 5'5," 250 lbs., with light brown hair and between the ages of forty to fifty, and was determined to through the investigation to be PO Majer Saleh. § 87(2)(b) could not describe PO2. PO Saleh told § 87(2)(b) to lower her music, which she did.

Shortly after, PO3, who § 87(2)(b) identified as PO Bautista, shield number 14607, entered the building. § 87(2)(b) also identified PO Bautista by name and described him as a Hispanic male with black hair. PO Bautista told § 87(2)(b) to lower the music. PO4, who § 87(2)(b) described as 5'0" with a dark complexion and short, spiky hair, was also present. After dealing with the dispute on the third floor, all four officers and PO5, a white male named Lucia with a bald head and shield number 3932, came to § 87(2)(b) s apartment and told her to lower the music. § 87(2)(b) told the officers that she already lowered the music. § 87(2)(b) moved and stood in front of § 87(2)(b) in the doorway. PO Saleh told § 87(2)(b) to get out of his way. When § 87(2)(b) refused to move, PO Saleh put his hand on § 87(2)(b) s chest and pushed her in an attempt to get § 87(2)(b) out of the way, and walked two feet into the apartment. § 87(2)(b) stated that PO Bautista also entered the apartment at that time. PO Saleh and PO Bautista threatened to confiscate the DJ equipment if they had to come back to the apartment. Even though § 87(2)(b) stated that the equipment belongs to § 87(2)(b) the threat was made to § 87(2)(b). The officers did not take the DJ equipment and left after summoning § 87(2)(b). § 87(2)(b) stated that the entire incident is on a video tape that she is able to gain access to.

According to the SPRINT report, an assault in progress was reported on the § 87(2)(b) floor of § 87(2)(b) in Brooklyn, at 5:24 PM that day. A check in CTS showed that shield number 31951 belongs PO Majer Saleh of the 48th Precinct, that shield number 14607 belongs to PO Henry Bautista of the 48th Precinct, and that shield number 3932 belongs to PO Frank Lucia of the 48th Precinct. Pedigree information from PO Saleh's service photograph indicates that he is a white male, 5'7," 205 lbs., forty-one-years-old, and bald-headed. The ARCS (automated roll call system) showed that PO Bautista and PO Lucia were working tour three on May 4, 2008. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) was reached via telephone on May 7, 2008 and provided further details about the incident. When asked if she would be willing to come to the CCRB for an interview, § 87(2)(b) said that she does not take public transportation and drives a car; however, she was unwilling to drive into Manhattan. The undersigned informed § 87(2)(b) that instead of being interviewed in person, she could submit a notarized statement to the CCRB by May 30, 2008. The undersigned investigator mailed § 87(2)(b) a letter on May 7, 2008, with the address to which she needed to mail the notarized statement.

A voice message was left for § 87(2)(b) on May 7, 2008. A letter was also mailed to her on that date. § 87(2)(b) was reached via telephone on May 13, 2008. § 87(2)(b) stated that she received the letter. The birthday party was for her § 87(2)(b)-year-old son, who § 87(2)(b) said has special needs. § 87(2)(b) then stated that she spoke to § 87(2)(b) and wanted to provide a notarized statement, too. § 87(2)(b) said that she was in possession of a video tape from her apartment building security cameras. § 87(2)(b) was instructed to mail her notarized statement and a copy of the video to the CCRB by May 30, 2008.

§ 87(2)(b) and § 87(2)(b) failed to mail the notarized statements and video tape to the CCRB by May 30, 2008. § 87(2)(b) was reached via telephone on June 3, 2008, at which time § 87(2)(b) withdrew her

complaint, adding that she simply did not wish to pursue the complaint. When asked, § 87(2)(b) stated that no one from the NYPD or CCRB coerced her into making that decision. This statement was recorded on tape 200806253 and was reviewed by ASI Benjamin Roth and found to meet CCRB standards. A withdrawal letter was mailed to § 87(2)(b) on June 3, 2008 and it will be added to the case file upon receipt. Voice messages were left for § 87(2)(b) on May 15, 2008 and June 3, 2008, and an additional letter was mailed to her on June 3, 2008. The letter was not returned to the CCRB. On June 6, 2008, the undersigned investigator received a voice message from § 87(2)(b) who said, "I just want to forget about the complaint." Voice messages were left for § 87(2)(b) on June 6, 2008 and June 10, 2008; however, to date, § 87(2)(b) had not contacted the CCRB to confirm her desire to withdraw the complaint. § 87(2)(g)

§ 87(2)(g)

Investigator:	Date:
Supervisor:	Date:
Reviewed by:	Date:
Reviewed by:	Date: